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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 FEB 27 AM 10: 42
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: /P DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Reyes MARTINEZ-Ramirez
AKA: Raul HERNANDEZ-Becerra
AKA: Alejandro MACIAS-Contreras
AKA: Raul HERNANDEZ-Huerta

Defendant.

Magistrate Case No. '08 MJ 0579

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 25, 2008**, within the Southern District of California, defendant **Reyes MARTINEZ-Ramirez AKA: Raul HERNANDEZ-Becerra AKA: Alejandro MACIAS-Contreras AKA: Raul HERNANDEZ-Huerta,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Rocio AGUIRRE-Gomez, Nayeli Lucero GONZALEZ-Martinez and Omar HERNANDEZ-Flores**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27TH** DAY OF **FEBRUARY**, 2008.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Rocio AGUIRRE-Gomez, Nayeli Lucero GONZALEZ-Martinez and Omar HERNANDEZ-Flores** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On February 25, 2008 at about 1958 hours, **Reyes MARTINEZ-Ramirez AKA: Raul HERNANDEZ-Becerra AKA: Alejandro MACIAS-Contreras AKA: Raul HERNANDEZ-Huerta (Defendant)** applied for admission into the United States from Mexico through the Otay Mesa Port of Entry. Defendant was the driver and sole visible occupant of a 1993 Ford Aerostar. Defendant gave a negative Customs declaration to a Customs and Border Protection (CBP) Officer and presented a U.S. Department of State Border Crossing Card bearing the name Ramon Salazar Rojas as proof of admissibility. Defendant stated he was going to Chula Vista, California and presented a counterfeit vehicle registration bearing the name Ramon Salazar Rojas. The CBP Officer suspected Defendant was an imposter to the document presented and compared Defendant's fingerprint to the fingerprint on the Border Crossing Card. The CBP Officer noticed that the fingerprints did not match and referred Defendant and the vehicle to secondary for further inspection.

In secondary, Defendant was determined to be an imposter to the Border Crossing Card and a citizen of Mexico without entitlements to enter or reside in the United States. A CBP Officer conducted an inspection of the vehicle and discovered a non-factory compartment in the undercarriage area. The CBP Officer entered the vehicle, removed the rear bench seat, pulled the carpeting and discovered an access panel to the non-factory compartment. The CBP Officer lifted the access panel and discovered four individuals concealed in the compartment. All admitted being citizens of Mexico without entitlements to enter or reside in the United States. Three were held as Material Witnesses and are now identified as: **Rocio AGUIRRE-Gomez (MW1), Nayeli Lucero GONZALEZ-Martinez (MW2), and Omar HERNANDEZ-Flores (MW3).**

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted attempting to smuggle at least one undocumented alien into the United States. Defendant admitted he made the smuggling arrangements with an unknown man yesterday morning and was to receive $500.00 to $600.00 (USD) in exchange. Defendant admitted he was to drive across the border and be "flagged down" by an unknown man. Defendant admitted he was to follow the unknown man to Chula Vista, California and deliver the undocumented aliens. Defendant admitted the unknown provided him with the vehicle, the counterfeit registration and the Border Crossing Card for the smuggling act.

Separate videotaped interviews were conducted with Material Witnesses. All Material Witnesses admitted they are citizens of Mexico without documents to lawfully enter or reside in the United States. All Material Witnesses stated they were going to Los Angeles, California to seek residency and employment. All Material Witnesses stated they were to pay between $2,000.00 and $3,000.00 (USD) to be smuggled into the United States.